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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,703	12/21/2000	Thomas D. Nguyen	LAM1P155/P0700	9960

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EXAMINER
KORNAKOV, MICHAIL

ART UNIT	PAPER NUMBER
1746	

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/747,703	Applicant(s) NGUYEN, THOMAS D.	
	Examiner Michael Kornakov	Art Unit 1746	

--The MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

THE REPLY FILED 20 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet.*

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: *1,4-6,9-18 and 21-24*.

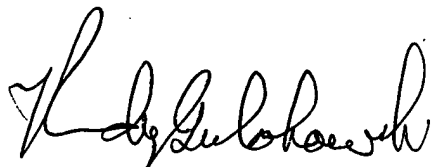
Claim(s) withdrawn from consideration: *19,20*.

8.☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: of the reasons set forth in the Final Office Action on the merits. . The limitations introduced in the amendment, paper No.7, namely "without performing any intervening processing steps between the etching and removal process" stand rejected as introducing new concepts violate the description requirement of 35 USC 112, first paragraph, Ex parte Grasselli, 231 USPQ 393 (Bd. App. 1983). Applicants referred the Examiner to the instant Specification, especially, page 8. On this page it is clearly written that "...the processing task may include etching, deposition, or some form of patterning", see lines 22-23. It is held by the Courts that the term "include" is synonymous and should be interpreted as "comprising", thus allowing the processing step itself to include several substeps, and therefore, the limitation on "no intervening steps" does not find an adequate support in the instant specification. Furthermore, the transitional phrase "comprising" not only allows unrecited elements, as alleged by Applicants, but also additional and even major method steps The transitional term "comprising", which is synonymous with "including," "containing," o "characterized by," is inclusive or open-ended and does not exclude additional, unrecited elements or method steps. See, e.g., Genentech, Inc. v. Chiron Corp., 112 F.3d 495, 501, 42 USPQ2d 1608, 1613 (Fed. Cir. 1997). With regard to Applicants Arguments that the disclosure of La, although teaches the cleaning of a backside of the wafer, does not suggest the cleaning of ONLY the backside of the wafer, Applicants' attention is respectfully drawn to col. 4, lines 1,and 2 wherein it is explicitly stated that "In an embodiment of the present invention backside scrubbing is effected by processing only the backside of the wafer..." . Applicants are reminded that an applied reference may be relied upon for all that it would have reasonably suggested to one of the ordinary skill in the art, including not only preferred embodiments, but less preferred and even non preferred, Merc & Co v. Biocraft Labs, Inc., 874 F 2d 804,807 10 USPQ 2nd 1843, 1846 (Fed. Cir.). In response to Applicants' arguments that the disclosures of Guo and Loan do not remedy the deficiencies of La, because they do not teach the cleaning and etching the backside of the wafer without any intervening steps, it is noted here, that had those references taught such limitations in combinations with the placing on the chuck, those very references would have been used in 35 USC 102 rejections, not in 103 rejections, as in the Final Office Action on the merits. It is further noted, that the references to Guo and Loan have been used to show the reasoning for placing the wafer on the chuck, which step itself is motivated by La, as discussed in the Final rejection. The motivation to combine references comes from "three sources: the nature of the problem to be solved, the teaching of the prior art and the knowledge of persons of ordinary skill in the art", as per In re Rouffet, 149 F3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). The same rationale applies to the step of distributing the heat transfer to the back side of the wafer, and the above discussion is incorporated herein in its entirety. .



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